

CALIFORNIA COASTAL COMMISSION

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**W-22**

July 14, 2004

TO: Coastal Commissioners and Interested Public

FROM: Peter M. Douglas, Executive Director
Sarah Christie, Legislative Coordinator

SUBJECT: LEGISLATIVE REPORT FOR JULY 2004

CONTENTS: This report provides summaries and status of bills that affect the Coastal Commission and California's Coastal Program as well as bills that staff has identified as coastal related legislation.

Note: This information can be accessed through the Commission's World Wide Web Homepage at
www.coastal.ca.gov

Legislative Calendar

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| May 14 | Last day for policy committees to meet prior to June 1 |
| May 21 | Last day for fiscal committees to hear and report first house bills to the floor |
| May 28 | Last day for Senate, Assembly to pass first house bills |
| June 15 | Budget bill must be passed by midnight |
| June 25 | Last day for policy committees to meet and report second house bills |
| July 2 | Summer recess begins on adjournment |
| Aug. 2 | Legislature reconvenes |
| Aug. 13 | Last day for fiscal committees to meet and report second house bills |
| Aug. 16-31 | Floor session only. No committees may meet |
| Aug. 31 | Last day to pass any non-urgency bill |

Please contact Sarah Christie, Legislative Coordinator, at (916) 445-6067 with any questions on the material contained in this report.

PRIORITY LEGISLATION

AB 90 (Wyland) Coastal Commission: Membership

This bill would fix terms for all coastal commissioners at 4 years, but provide that the Governor's appointees continue to serve at the pleasure of the Governor.

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| Introduced | 01/08/03 |
| Status | Failed to meet Legislative deadline |

AB 105 (Wiggins) Agriculture Land Preservation

This bill would repeal the provisions establishing the Coastal Farmland Preservation Program and the California Environmental Quality Revolving Loan Program. Amendments taken on 07/02 state that it is the intent of the Legislature to appropriate \$48,000,000 from Proposition 40 funds to the Department of Conservation and the Wildlife Conservation Board for grants under the California Farmland Conservancy Program for the purpose of protecting grazing lands and grasslands.

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| Introduced | 01/10/03 |
| Status | Concurrence in Senate Amendments pending |
| Last Amended | 09/08/03 |

AB 204 (Nation) Motor Vehicles

This bill would authorize the Coastal Conservancy to establish the Transportation Fund for Clean Water Subaccount, for the acquisition of open space, and the protection, restoration, and enhancement of streams, creeks, wetlands and watersheds. The bill would impose a fee of up to \$6, to be collected by the Department of Motor Vehicles, upon the registration or renewal of registration of every motor vehicle registered in the county of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, or Sonoma for purposes of funding the account, should at least three of those counties choose to participate in the program. Ten percent of the funds collected would go to the Regional Water Quality Control Board to fund transportation-related water quality projects.

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| Introduced | 01/28/03 |
| Status | Passed Assembly Floor. Referred to Senate Transportation. Hearing cancelled. |
| Last Amended | 01/22/04 |

AB 586 (Koretz) Litter and Marine Debris

This bill would impose a 2-cent fee on retailers who provide disposable plastic bags or cups made from less than 40% recycled material, and require that commercial establishments that encourage smoking outside their facilities provide ashtrays for cigarette butts. The fees would be divided between the Coastal Commission, Department of Parks and Recreation, Department of Conservation, CalTrans, for the purpose of providing grants to local governments and non-profit organizations for project related to recycling, litter control and reducing marine debris and litter.

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| Introduced | 02/18/03 |
| Status | Failed to meet Legislative deadlines |
| Last Amended | 04/22/03 |

AB 947 (Jackson) Ocean Resources

This bill would require all state agencies to follow five priorities when planning and constructing coastal erosion projects in the following order: hazard avoidance, restoring natural sand supplies, beach nourishment, structure relocation, hard structure development. The bill would also require applicable state agencies, including the Coastal Commission, to complete a Coastal Sediment Management Master Plan within two years.

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| Introduced | 02/20/03 |
| Status | Failed to meet Legislative deadlines. |
| Last Amended | 04/22/03 |

AB 974 (Nation) Coastal Zone: Native American Sites

This bill would amend section 30244 of the Coastal Act to require avoidance and mitigation measures for new development that would adversely impact archeological and paleontological resources, protect Native American cultural sites and sacred sites from significant disturbance, and require local governments, when processing a major amendment to their LCP, to include ordinances and procedures that implement these policies.

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| Introduced | 02/20/03 |
| Status | Failed to pass Senate Floor. Reconsideration granted. |
| Last Amended | 06/02/03 |
| Commission Position | Support |

AB 1466 (Koretz) Litter

This bill would establish a unified litter prevention and recycling message for the State of California, “Don’t Trash California.” The bill would authorize all relevant agencies to integrate the message into their existing litter and recycling programs. The bill authorizes the establishment of an interagency committee to collaborate on how to implement a unified litter prevention message. The Coastal Commission may participate on the Committee.

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| Introduced | 02/01/03 |
| Status | On Senate Floor |
| Last Amended | 06/21/04 |

AB 1517 (Plescia) Stormwater

This bill states that it is the intent of the Legislature to utilize science based, results oriented, cost-effective water quality programs that draw upon the strengths of municipalities and reduce duplication of state and local agencies when implementing stormwater permits.

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| Introduced | 02/21/03 |
| Status | Failed to meet Legislative deadlines. |
| Last Amended | 04/07/03 |

AB 1583 (Koretz) Public beaches: smoking

This bill would add Section 30238 to the Coastal Act, prohibiting the smoking of cigarettes, cigars and pipes on all state coastal beaches, except in parking lots and camping areas. Fine for violation would be \$100.

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| Introduced | 02/21/03 |
| Status | Passed Senate NR&W. |
| Last Amended | 06/24/04 |

AB 1647 (Horton) Public water systems: mutual water companies

This bill is identical to SB 909 (Machado) which the commission opposed last session. This bill would specify that private, for-profit water purveyors are eligible for public bond revenues, unless specifically excluded by the language of the bond.

Introduced 02/21/03
Status Senate Energy Committee. Hearing cancelled at request of author.
Last Amended 06/21/04
Commission Position Oppose

AB 1808 (Yee) Beach smoking

This bill would require the Department of Parks and Recreation to undertake a public education program on the health and environmental impacts of tobacco in outdoor areas, particularly at the beach.

Introduced 01/13/04
Status Referred to Senate Health and Human Services Committee
Last Amended 06/24/04

AB 1876 (Chan) Beach Sanitation

This bill would extend existing public beach water quality testing and posting requirements to include beaches under the jurisdiction of BCDC, public bay beaches, if the beach is visited by at least 15,000 people per year, and is located adjacent to a creek mouth or storm drain outfall. This bill would also require that bilingual signs be posted in areas of bilingual use.

Introduced 02/03/04
Last Amended 03/18/04
Status Senate Suspense File
Commission Position: Support

AB 1991 (Lowenthal) Petroleum infrastructure projects

This bill would give the Energy Commission exclusive jurisdiction over the siting of petroleum infrastructure projects, which include construction or modification of refineries, pipelines, tanker terminals and marine terminals. The bill would establish a \$100,000 fee for the application for certification of a petroleum infrastructure project, and a \$15,000 annual fee for a certified project.

Introduced 02/13/04
Last Amended 03/18/04
Status Hearing cancelled at request of author

AB 2093 (Nakano) Cruise ships: graywater

This bill would prohibit the release of graywater from cruise ships in state water, unless the vessel has met specified requirements to be developed by the State Water Resources Control Board.

Introduced 02/17/04
Last Amended 03/22/04
Status Referred to Senate E.Q.
Commission Position: Support

AB 2305 (Richman) Petroleum infrastructure: permitting process

This bill would require the Energy Commission to make recommendations on how to streamline the permitting process for petroleum infrastructure projects.

Introduced 02/19/04
Status Hearing cancelled at request of author

AB 2434 (Bates) Public Utilities Commission: Railroad crossings

This bill would require the PUC to approve specified railroad crossings for pedestrian access to the beach in the City of San Clemente on or before June 30, 2004. This is an urgency bill.

Introduced 02/19/04
Last Amended 03/24/04
Status Failed to meet legislative deadline

AB 2514 (NR Committee) Natural Resources, Environmental License Plate Fund

This bill would raise the fee for personalized license plates, including the Whale Tail plate, from \$25 to \$30. It would also require the Governor's Budget to display all expenditures made from the Environmental License Plate Fund, and an explanation of the public benefits derived there from.

Introduced 02/20/04
Last Amended 06/14/04
Status Referred to Senate Appropriations Committee

AB 2529 (Kehoe) Marine Managed Areas

This bill would establish a grant program within the State Water Resources Control Board, for the purpose of funding local public agencies and non-profit organizations to restore and protect water quality in marine managed areas. The bill would require the SWRCB to appoint a marine water quality task force for the purpose of recommending projects.

Introduced 02/20/04
Last Amended 06/29/04
Status Senate Appropriations Committee

AB 2672 (Simitian) Large passenger vessels: sewage

Existing law requires the State Water Resources Control Board to apply to the federal government to prohibit the release of specified substances in waters that are not in state waters, but are in certain marine sanctuaries. This bill would require the board to determine whether it is necessary for the state to apply to the federal government to authorize the state to prohibit the release of sewage, as defined, from large passenger vessels into the marine waters of the state. If the board determines that it is necessary, the bill would require the board to make that application. The bill would require the owner or operator of a large passenger vessel that releases sewage into the marine waters of the state or a marine sanctuary, as defined, to immediately report the release to the board, as specified. The bill would sunset in 2010.

Introduced 06/17/04
Last Amended 04/20/04
Status Senate EQ Committee

Commission Position: Support

AB 2702 (Steinberg) Housing: second units

This bill further limits local governments' discretion over the mandate to allow the construction ministerially approved second units. This bill would prohibit local governments from establishing a minimum unit size requirements for second units or from requiring covered parking for second units, more than one parking space per bedroom, or that occupants of a second unit must be owners, family members or care givers, of property owner, among other restrictions. The bill specifies that none of its provisions shall be construed to lessen the effect or application of the Coastal Act.

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| Introduced | 02/20/04 |
| Last Amended | 05/25/04 |
| Status | Senate Appropriations Committee |

AB 2725 (Laird) Ex parte communications

This bill would prohibit communications between commissioners and interested parties on issues pertaining to certain enforcement actions, and require disclosure of off-the-record conversations on matters pertaining to litigation.

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| Introduced | 02/20/04 |
| Last Amended | 06/24/04 |
| Status | Senate Judiciary Committee |

AB 2918 (Laird) Desalination facilities: electricity rates

This bill would direct the Public Utilities Commission to undertake a study of the interface between energy and water policy as it pertains to desalination. The Coastal Commission, DWR, and the CEC.

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| Introduced | 02/20/04 |
| Last Amended | 06/17/04 |
| Status | Senate Appropriations Committee |

AB 3039 (ES&TM Committee) Ocean use planning: California Coastal Act

This bill would direct the Secretary for Environmental Protection and the Secretary of the Resources Agency to conduct a joint review of their respective regulatory programs in light of the recommendations of the report of the Pew Oceans Commission. The secretaries would report to the Legislature by April 1, 2005, with recommendations for structural or budgetary changes the Legislature should evaluate in order to ensure a coordinated coastal and marine program.

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| Introduced | 02/26/04 |
| Last Amended | 06/17/04 |
| Status | Senate NR & W Committee |

SB 18 (Burton) Sacred Sites

This bill would add Native American tribes to the list of organizations authorized to hold conservation easements, and require the Native American Heritage Commission to develop guidelines for consulting with Native American Tribes for the purpose of protecting cultural sites and protecting the confidentiality of those sites. The bill also contains provisions for including Native American tribes in the preparation or amendment of local General Plans.

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| Introduced | 12/02/02 |
| Last Amended | 06/28/04 |
| Status | Assembly Inactive File |

SB 236 (Alpert) Fishing: Bottom Trawling

This bill would prohibit the Department of Fish and Game from authorizing the use of trawl nets to take fish or other marine life from the ocean floor, unless the Fish and Game Commission determines that the operator of each vessel participates in an observer program, and that the bottom trawling does not produce a bycatch of more than 15% by weight of the target catch, and does not cause significant environmental harm to the ocean floor. The bill would allow the use of trawl nets for scientific research and to target certain fish in a manner in which the nets and related gear do not contact the ocean floor. The bill also grants authority to the Fish and Game Commission to manage all bottom trawl fisheries not currently managed by the National Marine Fisheries Service, including Halibut, Sea Cucumber, Pink Shrimp, and Ridgeback, Spot and Golden Prawns.

Introduced 02/14/03
Status Passed Senate. Held at Assembly Desk.
Last Amended 04/02/03
Commission Position Support

SB 318 (Alpert) Desalinated Water

This bill would require that Urban Water Management Plans, prepared by urban water suppliers and submitted to the Department of Water Resources, must include a description of the opportunities for providing water via desalination.

Introduced 02/19/03
Status Assembly Inactive File.
Last Amended 04/08/03

SB 429 (Torlakson) Petroleum infrastructure projects

This bill would require the Governor to designate a Statewide Petroleum Infrastructure Facilitator within the California Energy Commission to investigate rule making and permitting procedures and suggest best practices, and identify all laws, rules, regulations, procedures and permit conditions that affect petroleum infrastructure projects. This information would be available upon request to persons intending to construct or modify a petroleum infrastructure project. The bill would require the CEC to publish for public comment a complete list of permit streamlining recommendations, and submit a report to the Legislature and the Governor a report with recommendations for establishing new, improved processes for permitting petroleum infrastructure projects in California.

Introduced 02/20/03
Status Assembly Appropriations Committee
Last Amended 06/20/04

SB 681 (Morrow) Coastal Commission: Permits

This bill would prohibit coastal development permit conditions that require environmental mitigations for repairing or maintaining seawalls.

Introduced 02/21/03
Status Returned to Secretary of Senate.
Commission Position: Oppose

SB 744 (Dunn) Housing

This bill would create the Housing Accountability Committee, consisting of 5 members appointed as specified, to hear appeals of local government decisions that deny or condition affordable housing projects. It would exempt conditions or mitigation measures imposed pursuant to a coastal development permit.

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| Introduced | 02/21/03 |
| Status | Assembly Local Government Committee |
| Last Amended | 05/25/04 |

SB 909 (Machado) Public Water Systems

This bill would specify that private, for-profit water purveyors are eligible for public bond revenues, unless specifically excluded by the language of the bond.

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| Introduced | 02/21/03 |
| Status | Hearing cancelled at request of author. |
| Last Amended | 06/23/03 |

Commission Position: Oppose

SB 1198 (Oller) California Coastal Commission

This bill would make technical, non-substantive changes to the Coastal Act.

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| Introduced | 02/10/04 |
| Status | Senate Rules Committee |

SB 1199 (Oller) California Coastal Commission

This bill would make technical, non-substantive changes to the Coastal Act.

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| Introduced | 02/10/04 |
| Status | Senate Rules Committee |

SB 1318 (Burton) California Ocean Protection Act

This bill would authorize \$30 million from Prop 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, to be available upon appropriation by the legislature to the California Ocean Protection Trust Fund, to be awarded as grants, loans and direct expenditures by the Ocean Protection Council for projects that improve coastal water quality, promote sustainable fisheries, increase public access, provide scientific monitoring and data collection, and other purposes. (See SB 1319)

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| Introduced | 02/10/04 |
| Last Amended | 06/16/04 |
| Status | Assembly Appropriations Committee |

SB 1319 (Burton) California Ocean Protection Act

This bill would establish the Ocean Protection Council, consisting of the Secretary for Resources, Secretary for EPA, Chair of the State Lands Commissions and six members of the Legislature. The bill would require the council to coordinate and integrate the activities of state agencies active in the areas of ocean ecosystems and coastal waters. The activities of the council would be supported with existing resources. The bill would also create the Ocean Protection Trust Fund, and authorize funds to be deposited in the account for appropriation by the Legislature.

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| Introduced | 02/10/04 |
| Last Amended | 06/16/04 |
| Status | Assembly Appropriations Committee |

SB 1369 (Kuehl) Fire protection

This bill would require that the owner or occupant of a dwelling in a very high fire hazard severity zone, as defined in Govt. Code Section 51179, remove all flammable brush, vegetation and combustible growth within 100 feet of the structure, unless local ordinance requires greater clearance. The bill would authorize the Director of Forestry and Fire to cause the fire clearance to take place if a property owner does not comply.

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| Introduced | 02/18/04 |
| Last Amended | 06/17/04 |
| Status | Assembly Appropriations Committee |

SB 1459 (Alpert) Fishing: trawl nets

This bill would grant the Department of Fish and Game authority over all state-managed bottom trawl fisheries, require a permit for all trawling activities, require that a previously held trawl permit be a requirement for obtaining a new or renewed permit by 2007, prohibit the use of certain types of trawl gear, authorize the Fish and Game Commission to facilitate programs that promote the conversion of trawl vessels to more sustainable practices, and prohibit trawling activities in portions of Monterey Bay, Estero Bay and San Luis Obispo Bay. The bill would allow holders of federal ground trawl permits to continue to land up to 100 pounds of halibut without a state permit.

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| Introduced | 02/19/04 |
| Last Amended | 06/16/04 |
| Status | Referred to Senate Appropriations Committee |

SB 1742 (McPherson) Oil spills

This bill amends state Oil Spill Contingency Plan to specifically include waterways used for waterborne commercial traffic in the ports of Stockton and Sacramento; defines an oil spill or discharge as the release of at least 1 barrel of oil over a 24 hour period; includes wildlife rehabilitation as an allowable activity for volunteer workers; adds the state of Hawaii to the list of coastal states with whom the administrator shall coordinate oil spill prevention activities; makes non-substantive, technical changes and deletes obsolete sections of the code.

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| Introduced | 02/20/04 |
| Last Amended | 06/29/04 |
| Status | Assembly Appropriations Committee |